

CREIGHTON TAKATA, individually	)	C.A. No. 3:18-cv-2293
and on behalf of all others similarly)	
situated,	)	[PROPOSED] ORDER
	)	GRANTING THE KLAPPER,
Plaintiff,	)	RANA AND ESTOESTA
	)	GROUP’S MOTION FOR
v.	)	CONSOLIDATION,
	)	APPOINTMENT AS LEAD
RIOT BLOCKCHAIN, INC. F/K/A,	)	PLAINTIFF AND APPROVAL
BIOPTIX, INC., JOHN O’ROURKE,	)	OF SELECTION OF
and JEFFREY G. MCGONEGAL,	)	COUNSEL
)	
Defendants.)	

JOSEPH J. KLAPPER, JR., individually)	
and on behalf of all others similarly	)	C.A. No. 3:18-cv-8031
situated,)	
)	
Plaintiff,)	
)	
v.)	
)	
RIOT BLOCKCHAIN, INC. F/K/A,)	
BIOPTIX, INC., JOHN O’ROURKE, and)	
JEFFREY G. MCGONEGAL,)	
)	
Defendants.)	

Having considered the papers filed in support of the Motion of class members Joseph J. Klapper, Jr., Ashish Rana, and Sonia C. Estoesta (the “Klapper, Rana and Estoesta Group” or “Group”) for Consolidation, Appointment as Lead Plaintiff and Approval of Selection of Counsel pursuant to the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4(a)(3)(B), and for good cause shown, the Court hereby enters the following Order:

CONSOLIDATION OF THE RELATED ACTIONS

1. The above-captioned securities fraud class action (the “Takata Action”) and the related action pending in this District entitled *Klapper v. Riot Blockchain, Inc., f/k/a Bioptix, Inc., et al.*, 3:18-cv-8031 (the “Klapper Action”) are hereby consolidated for all purposes pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. Any actions that have been filed, or may be filed, which are related and which may be considered herewith, are consolidated with the Takata Action under Case No. 3:18-cv-2293 (the “Consolidated Action”).

2. A Master File is hereby established for the consolidated proceedings in the Consolidated Action. The docket number for the Master File shall be Master File No. 3:18-cv-07329. The original of this Order shall be filed by the Clerk in the Master File. The Clerk shall mail a copy of this Order to counsel of record in each of the above-captioned actions.

3. Every pleading filed in the Consolidated Action shall bear the following caption:

IN RE RIOT BLOCKCHAIN, INC.)	Master File No. 3:18-cv-0732
SECURITIES LITIGATION)	

APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL

4. The Group has moved this Court to be appointed as Lead Plaintiff in the Consolidated Action and to approve the counsel the Group's members have retained to be Lead Counsel.

5. Having considered the provisions of Section 27(a)(3)(B) of the PSLRA, 15 U.S.C. § 77z-1(a)(3)(B), the Court hereby determines that the Group is the most adequate lead plaintiff and satisfies the requirements of the PSLRA. The Court hereby appoints the Klapper, Rana and Estoesta Group as Lead Plaintiff to represent the interests of the Class.

6. Pursuant to Section 21D(a)(3)(B)(v) of the PSLRA, 15 U.S.C. § 78u-4(a)(3)(B)(v), the Group has selected and retained the law firm Levi & Korsinsky, LLP to serve as Lead Counsel. The Court approves the Group's selection of Lead Counsel for the Consolidated Action.

7. Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Lead Counsel shall designate:

- a. to coordinate the briefing and argument of any and all motions;
- b. to coordinate the conduct of any and all discovery proceedings;
- c. to coordinate the examination of any and all witnesses in depositions;
- d. to coordinate the selection of counsel to act as spokesperson at all pretrial conferences;

- e. to call meetings of the plaintiffs' counsel as they deem necessary and appropriate from time to time;
- f. to coordinate all settlement negotiations with counsel for Defendants;
- g. to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter, and to delegate work responsibilities to selected counsel as may be required;
- h. to coordinate the preparation and filings of all pleadings; and
- i. to supervise all other matters concerning the prosecution or resolution of the claims asserted in the Consolidated Action.

8. No motion, discovery request, or other pretrial proceedings shall be initiated or filed by any plaintiffs without the approval of Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of the Lead Counsel.

9. Service upon any plaintiff of all pleadings, motions, or other papers in the Consolidated Action, except those specifically addressed to a plaintiff other than Lead Plaintiff, shall be completed upon service of Lead Counsel.

10. Lead Counsel shall be the spokespersons for any and all plaintiffs in matters concerning this litigation.

NEWLY FILED OR TRANSFERRED ACTIONS

11. When a case that arises out of the subject matter of the Consolidated Action is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- a. file a copy of this Order in the separate file for such action;
- b. deliver a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case and to any new defendant(s) in the newly filed or transferred case; and
- c. make the appropriate entry on the docket for this Consolidated Action.

12. Each new case that arises out of the subject matter of the Consolidated Action that is filed in this Court or transferred to this Court shall be consolidated with the Consolidated Action and this Order shall apply thereto, unless a party objecting to this Order or any provision of this Order shall, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, file an application for relief from this Order or any provision herein and this Court deems it appropriate to grant such application.

13. During the pendency of this litigation, or until further order of this Court, the parties shall take reasonable steps to preserve all documents within their possession, custody or control, including computer-generated and stored information and materials such as computerized data and electronic mail, containing

information that is relevant to or which may lead to the discovery of information relevant to the subject matter of the pending litigation.

IT IS SO ORDERED

DATED: _____

HONORABLE FREDA L. WOLFSON
UNITED STATES DISTRICT JUDGE